



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

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REPLY TO THE ATTENTION OF

SE-SJ

December 4, 2002

Ms. Nancy Laureto  
Law Department, 7th Floor  
Chicago Public Schools  
125 South Clark Street  
Chicago, Illinois 60603

Since November 15, 2002, the United States Environmental Protection Agency (U.S. EPA) and the Agency for Toxic Substances and Disease Registry (ATSDR) have been assisting in and monitoring the clean-up of the mercury spill on the 7<sup>th</sup> floor at Roberto Clemente High School. In connection with this spill, approximately 180 individuals, both students and staff at Clemente, were given urinalysis tests to determine whether they had been exposed to mercury.

U.S. EPA and ATSDR are very concerned about how the results of the follow-up urine analyses are being evaluated. It has been relayed to us that none of the 4 individuals (3 students and 1 staff person) with urine mercury levels that are considered to be above background levels (>5 ug/L) were identified as being involved with the mercury spill on the 7<sup>th</sup> floor, and therefore may not have been decontaminated before leaving the school. We want to rule out the possibility that these test results may be an indication of another mercury source in the school or at another location, including the potential for unintentional tracking of mercury from the school to their residence on clothing or shoes. To follow-up with those individuals, we are requesting the names and contact information for the 3 students and 1 staff person that were found to have mercury levels indicating that they have been exposed. We would like to interview those individuals to determine how they may have been exposed to the mercury. That information can be provided confidentially to one of the following public health professionals:

- 1) Dr. Mark Johnson at ATSDR (312-886-0840; e-mail: [mkj5@cdc.gov](mailto:mkj5@cdc.gov))
- 2) Dr. Joel McCullough at the Chicago Department of Public Health (312-746-4026; e-mail: [mccullough\\_joel@cdph.org](mailto:mccullough_joel@cdph.org))
- 3) Cathy Marshall at the Illinois Department of Public Health (217-558-4459; e-mail: [kmarshal@idph.state.il.us](mailto:kmarshal@idph.state.il.us))

This information is being requested under the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9604(e), which, among other authority, provides:

...

**(2) Access to information**

Any officer, employee, or representative [duly designated by the President] may require any person who has or may have information relevant to any of the following to furnish, upon reasonable notice, information or documents relating to such matter:

...

(B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

The ability to interview these individuals is essential to determine the manner in which they became exposed to mercury, and whether another source of mercury exists, posing a danger to the already-exposed individuals and others. As mercury can have severe health effects, which are explained in the attached information sheet developed by ATSDR, the identity of the individuals must be confidentially provided immediately to one of the health agencies listed above.

In addition, we understand that the elevated levels are being explained as being due to a seafood-rich diet. The urine testing that has been conducted does not distinguish between the elemental mercury form that was spilled in this incident, and the organic mercury form that is present in seafood. Therefore, the Illinois Department of Health and ATSDR do not agree that there is sufficient information to conclude that dietary sources are the explanation for these urine mercury results. If the Chicago Public Schools (CPS) has been giving health information to these mercury-exposed individuals and that information is determined to have been incorrect, the CPS could potentially be subject to tort liability.

Please inform Sherry L. Estes, Associate Regional Counsel, (312) 886-7164 by 2:00 p.m. today that you will comply with this request for the contact information for the four individuals tested at Roberto Clemente High School, on or about November 26, 2002, whose elevated urinalysis results indicate mercury exposure. Additionally, please indicate the name of the person and health agency to whom the contact information will be provided.

U.S. EPA has the authority to use the information that it requests in an administrative civil, or criminal matter.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501, et seq.

Sincerely,



*for* Richard Karl, Chief  
Emergency Response Branch  
Region 5, U.S. EPA